

76-9-702.1. Sexual battery.

(1) A person is guilty of sexual battery if the person, under circumstances not amounting to an offense under Subsection (2), intentionally touches, whether or not through clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female person, and the actor's conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the person touched.

(2) Offenses referred to in Subsection (1) are:

- (a) rape, Section 76-5-402;
- (b) rape of a child, Section 76-5-402.1;
- (c) object rape, Section 76-5-402.2;
- (d) object rape of a child, Section 76-5-402.3;
- (e) forcible sodomy, Subsection 76-5-403(2);
- (f) sodomy on a child, Section 76-5-403.1;
- (g) forcible sexual abuse, Section 76-5-404;
- (h) sexual abuse of a child, Subsection 76-5-404.1(2);
- (i) aggravated sexual abuse of a child, Subsection 76-5-404.1(4);
- (j) aggravated sexual assault, Section 76-5-405; and
- (k) an attempt to commit any offense under this Subsection (2).

(3) Sexual battery is a class A misdemeanor.

(4) For purposes of Subsection 77-41-102(16) only, a plea of guilty or nolo contendere to a charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction. This Subsection (4) also applies if the charge under this section has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Amended by Chapter 278, 2013 General Session